

JANUARY 23, 2024 MEETING MINUTES REGISTRY OF ELECTION FINANCE

The Registry of Election Finance (“the Registry” or “the Board”) of the Bureau of Ethics and Campaign Finance (“the Bureau”) met at 9:30 AM on Tuesday, January 23, 2024 in the Nashville Room of the WRS Tennessee Tower, 312 Rosa L. Parks Ave., Nashville, TN 37243.

Presiding over the meeting was Chairman Tom Morton initially and then Chairman Hank Fincher after he was elected Chair for 2024. Attending the meeting were Board Members Tom Lawless, Paige Burcham-Dennis, David Golden, Henry Fincher, and Paz Haynes. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, Chief of Staff Janet Williams, and Director of Audit Jay Moeck were also in attendance. The meeting was open to the public. This meeting was recorded via video and audio recording.

Director Young opened the meeting by noting that a physical quorum of the Registry members was present.

Approval of Meeting Minutes

Member Lawless moved to approve the meeting minutes of the Registry’s previous October 19, 2023, meeting as presented. Member Fincher seconded the motion, which was unanimously approved by voice vote (6-0).

Election of Officers

Member Lawless moved to elect Henry Fincher as the Board’s 2024 Chairman by acclamation. Member Morton seconded the motion, which was approved by voice vote. Chairman Fincher presided over the remainder of the meeting.

Member Morton moved to elect Tom Lawless as the Board’s 2024 Secretary by acclamation. Member Golden seconded the motion, which was approved by voice vote.

Member Lawless moved to suspend the usual rules to allow the Registry to proceed out of order so that those present in the room with matters before the Registry could be heard first. Member Burcham-Dennis seconded the motion, which was unanimously approved. *Nonetheless, the minutes will reflect the matters in the order they were placed on the Registry’s published agenda.*

Humble Audit

Director Young advised the Registry members that Counsel for Mr. Humble had requested that this matter be continued due to a personal conflict. After discussion, Chairman Fincher moved to continue this matter. Member Burcham-Dennis seconded the motion, which was approved by roll call vote (5-1, Member Morton opposed).

Discussion of Informal Advisory Opinions Issued to Red State PAC

Director Young advised that the Bureau's staff had issued the provided informal advisory opinions to the Red State PAC and that these were being provided to the Registry members for their information. The members discussed this matter as well as the Registry's general approach to advisory opinion requests. No action was required or taken.

Sworn Complaint

Case No. C24-01, Sumner County Constitutional Republicans (SCCR) and Tennessee Constitutional Republicans (TNCR): Director Young presented a short summary of the complaint filed in this matter and the available courses of action available to the Registry. After a short discussion, Member Lawless moved to refer this matter to the Office of the Attorney General and Reporter for investigation and request that the Attorney General provide a report back to the Registry as to the progress of the investigation ahead of the Registry's March 26, 2024 meeting. Member Burcham-Dennis seconded the motion, which was approved by voice vote.

Audit for Review and Consideration

Rep. Justin Jones: Director of Audit Jay Moeck presented a short summary of the contribution audit presented, noting no findings and only minor exceptions. Director Moeck requested that the audit be approved as presented. Member Burcham-Dennis moved to approve the audit and take no action on the noted exceptions. Member Lawless seconded the motion, which was approved by voice vote.

Show Cause Hearings

Jason Martin, Case No. 23-100: Dr. Jason Martin personally appeared at the Registry's meeting and addressed the Registry. After a short discussion, Member Lawless moved to assess a civil penalty of \$250. The motion was seconded by Member Burcham-Dennis and unanimously approved by roll call vote.

P. Danielle Nellis, Case No. 23-13 (2nd Quarter); P. Danielle Nellis, Case No. 23-32 (3rd Quarter); P. Danielle Nellis, Case No. 23-33 (4th Quarter); P. Danielle Nellis, Case No. 23-101 (Annual Mid-Year Supplemental): These matters were consolidated and considered concurrently. Ms. Nellis personally appeared at the Registry's meeting and addressed the Registry. Ms. Nellis waived any additional notice of hearing concerning those matters for which a show cause notice had not yet been issued. After a short discussion, Member Burcham-Dennis moved to assess a civil penalty of \$1000. Member Morton seconded the motion. After additional discussion, Member Golden requested to amend the motion to assess a civil penalty of \$500, which was accepted and unanimously approved by roll call vote.

American Academy of Emergency Medicine PAC, Case No. 23-73: Director Young presented a short summary of the facts of this matter. After a short discussion, Member Golden moved to take no action in this matter. Member Lawless seconded the motion, which was approved by roll call vote.

CSX Transportation, Case No. 23-110: Member Haynes recused himself from discussion and voting on this matter. Tom Livingston appeared on behalf of the corporation and addressed the Registry. After a short discussion, Member Lawless moved to assess a civil penalty of \$250. Member Burcham-Dennis seconded the motion, which was approved by roll call vote (5-0).

Envision Tennessee, Case No. 23-76: State Senator Jeff Yarbrough personally appeared on behalf of the organization and addressed the Registry. After a short discussion, Member Burcham-Dennis moved to take no action on this matter. Member Lawless seconded the motion, which was unanimously approved by voice vote.

Hamilton County Fund for Children & Public Educ., Case No. 23-78 (Appointment of Treasurer); Hamilton County Fund for Children & Public Educ. (Annual Mid-Year Supplemental): Attorney Rick Colbert appeared on behalf of the organization and addressed the Registry members. At the outset of this discussion, Counsel waived additional notice concerning the Annual Mid-Year Supplemental report in order to consolidate these matters and resolve both matters together. Counsel presented a statement to the Registry members. After a discussion, Member Lawless moved to consolidate these matters and to take no action. Member Dennis seconded the motion, which was unanimously approved by voice vote.

Our Values PAC, Case No. 23-115: Jessica Indingaro appeared on behalf of the organization and addressed the Registry. After a short discussion, Member Lawless

moved to take no action on this matter. Member Morton seconded the motion, which was unanimously approved by voice vote.

Vote No on 1 (SMC), Case No. 23-116 (Annual Mid-Year Supplemental): Continued.

Reconsiderations

Will Richardson, Case No. 23-50 (Pre-Primary): This matter was ultimately consolidated with Case No. 23-102. Director Young presented a short summary of the facts of these matters. Member Golden moved to reconsider the civil penalty previously assessed in Case No. 23-50. Chairman Fincher seconded the motion, which was approved by voice vote (4-2, Members Morton and Lawless opposed). Member Lawless moved to assess a civil penalty of \$10,000. Member Morton seconded the motion. The question was called. The motion failed on roll call vote (2-4). After additional discussion, Member Lawless moved to assess a civil penalty of \$2,500 in Case No. 23-50 and \$250 in Case No. 23-102. Member Morton seconded the motion, which was unanimously approved by roll call vote (6-0).

Beat Bill Lee PAC, Case No. 23-74 (Appointment of Treasurer): State Representative Torrey Harris appeared on behalf of the organization. This matter was consolidated with another matter concerning the failure to timely file an Annual Mid-Year Supplemental campaign financial disclosure report. Rep. Harris waived any additional notice of hearing on this matter in order to consider these matters at the same time. Director Young presented a short summary of the facts of these matters. Counsel for the Registry also detailed the efforts taken by staff in this matter to obtain a point of contact on behalf of this organization and additional circumstances surrounding these matters. After a short discussion, Member Golden moved to reconsider the civil penalty previously assessed in Case No. 23-74. Member Lawless seconded the motion, which was approved by voice vote. Member Lawless then moved to take no action in these matters. Member Burcham-Dennis seconded the motion, which was unanimously approved by voice vote.

Vote No on 1 (SMC), Case No. 23-24 (3rd Quarter); Vote No on 1 (SMC), Case No. 23-25 (Pre-General); Vote No on 1 (SMC), Case No. 23-63 (4th Quarter): Continued.

Statements Submitted

Friends of Police PAC, Case No. 23-111: Director Young presented a short summary of the facts of this matter. Member Lawless moved to assess a civil penalty of \$5,000. Member Morton seconded the motion. After additional discussion, Member Haynes

moved to amend the motion to assess a civil penalty of \$2,500. The amendment was accepted. The motion was unanimously approved as amended by roll call vote.

Henderson County Republican Party, Case No. 23-112: Director Young presented a short summary of the facts of this matter. After a short discussion, Member Burcham-Dennis moved to assess a civil penalty of \$5,000. Member Lawless seconded the motion, which failed by roll call vote (3-3). After additional discussion, Member Morton moved to assess a civil penalty of \$1,000. Member Haynes seconded the motion. Member Burcham-Dennis moved to amend the motion to assess a civil penalty of \$2,500. The amendment was accepted, and the motion was approved as amended by roll call vote (5-1, Chairman Fincher opposed).

Knox County Democratic Women's Club, Case No. 23-113: Director Young presented a short summary of the facts of this matter. After a short discussion, Member Lawless moved to assess a civil penalty of \$2,500. Member Morton seconded the motion, which failed by roll call vote (2-4). (Member Haynes had to leave the meeting for a prior appointment at this point during the hearing of this matter). After additional discussion, Member Burcham-Dennis moved to assess a civil penalty of \$1,000. Member Golden seconded the motion, which failed by roll call vote (3-2). Member Lawless moved to assess a civil penalty of \$2,000. Member Morton seconded the motion, which failed by roll call vote (3-2). Member Lawless then moved to defer further consideration of this matter to the Registry's next meeting. Member Morton seconded the motion, which was approved by roll call vote.

Will Richardson, Case No. 23-102: See Case No. 23-50.

Morgan Woodberry, Case No. 23-107: Ms. Woodberry personally appeared at the Registry's meeting. Director Young presented a short summary of the facts of this matter. Member Lawless moved to take no action on this matter. Member Golden seconded the motion, which was unanimously approved by voice vote.

Consideration of Civil Penalty Orders

Tom Cook, Case No. 23-93: Director Young presented a short summary of the facts of this matter. Member Morton moved to assess a civil penalty of \$300. Member Lawless seconded the motion, which was approved by roll call vote (5-0).

Torrey Harris, Case No. 23-97: State Representative Torrey Harris appeared at the Registry's meeting and addressed the Registry members. Director Young presented a short summary of the facts of this matter. Member Lawless moved to assess a civil

penalty of \$250; however, this motion failed for lack of a second. Member Haynes moved to assess a civil penalty of \$125. Member Lawless seconded the motion, which was unanimously approved by roll call vote.

Denny Darnell, Case No. 23-94: Member Golden recused himself from discussion and voting on this matter. Director Young presented a short summary of the facts of this matter. Member Morton moved to assess a civil penalty of \$400. Member Lawless seconded the motion, which was approved by roll call vote (4-0).

Donnie Hall, Case No. 23-95: Director Young presented a short summary of the facts of this matter. Member Lawless moved to assess a civil penalty of \$10,000. Member Morton seconded the motion, which failed by roll call vote (3-2). Member Burcham-Dennis moved to assess a civil penalty of \$5,000. Member Morton seconded the motion, which was approved by roll call vote (5-0).

Toniko S. Harris, Case No. 23-96: Director Young presented a short summary of the facts of this matter. Member Lawless moved to assess a civil penalty of \$10,000. Member Morton seconded the motion, which was approved by roll call vote (4-1, Chairman Fincher opposed).

1st TN-PAC, Case No. 23-72: Member Lawless recused himself from discussion and voting on this matter. Director Young presented a short summary of the facts of this matter. Mary Ann Parks appeared on behalf of the organization and addressed the Registry members. After a short discussion, Member Morton moved to take no action on this matter. Member Golden seconded the motion, which was approved by voice vote (5-0).

Member Lawless moved to assess a civil penalty of \$10,000 in each of the following matters:

- Chris Bivens, Case No. 23-89
- Keith Britt, Case No. 23-90
- Kenya Brooks, Case No. 23-91
- Curtis Carney, Case No. 23-92
- Clifford Lewis, Case No. 23-98
- Jameson Lee Manor, Case No. 23-99
- Ross A. Sampson, Case No. 23-103
- Mitchell Skelton, Case No. 23-104
- Lemichael D. Wilson, Case No. 23-105
- AMG-PAC, Case No. 23-108

Clarksville Firefighters PAC, Case No. 23-109
Nashville PAC, Case No. 23-114
We Are Ready Nashville PAC, Case No. 23-117

The motion was seconded by Member Morton and unanimously approved by roll call vote (5-0).

Cheryl Womack Uselton, Case No. 23-106: Director Young presented a short summary of the facts of this matter, noting that the outstanding filing had been filed on January 22, 2024, after accruing 155 penalty days, and that the filing account had been closed. Member Lawless moved to assess a civil penalty of \$250. Member Morton seconded the motion, which was unanimously approved by roll call vote (5-0).

Persons Subject to Possible Issuance of Show Cause Notice

Member Lawless moved to issue a show cause notice in each of the following matters:

Scott Crammond

Clifford Lewis (3rd Quarter)

Chris Bivens (3rd Quarter)

Lemichael D. Wilson

Member Morton seconded the motion, which was unanimously approved by roll call vote.

Discussion of 2024 scheduled meeting dates. Director Young noted that Member Golden had advised that he would be unable to attend the Registry's scheduled May 28, 2024 meeting in person and requested approval to allow Member Golden to participate in this meeting by phone. Member Lawless moved to allow Member Golden to participate in this meeting telephonically. Chairman Fincher seconded the motion, which was approved by voice vote. Director Young noted that the Registry's next meeting would be at 9:30 a.m. CST on Tuesday, March 26, 2024.

Other Business.

Discussion of Outstanding Civil Penalties. Director Young and Counsel for the Registry presented the Registry with prepared lists of 1) outstanding civil penalties to be pursued for collection and 2) outstanding civil penalties to be marked as "unable to be collected", pursuant to Tenn. Code Ann. § 4-55-104(b). Counsel explained how these lists had been generated and the purpose behind these designations, as well as efforts being made by the Office of the Attorney General to pursue collection of outstanding civil penalties. After discussion, it was determined that this matter would be deferred for further

consideration until the Registry's next scheduled meeting to allow the members to review the lists more closely.

2024 Code of Conduct. Counsel for the Registry requested that the Registry approve the 2024 Code of Conduct Policy and that each member provide Counsel with their signed Code of Conduct acknowledgment document. Member Lawless moved to approve the Code of Conduct as presented. Member Burcham-Dennis seconded the motion, which was approved by voice vote.

Executive Session. *At this time, the Registry entered an Executive Session, after which the meeting was adjourned.*